

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR No. 448 of 2021 (O&M)

DECIDED ON:3rd November, 2021

Parwinder Singh

.....PETITIONER

VERSUS

State of Haryana and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Anshul Mangla, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

Mr. Abhilaksh Grover, Advocate for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

This criminal revision petition is filed being aggrieved of order dated 18.3.2021 whereby the Additional Sessions Judge, Yamuna Nagar at Jagadhri, entrusted the trial in case of FIR No. 242 dated 24.9.2020, under Sections 148, 149, 307, 379-B IPC and Section 25 of Arms Act, (final report presented for commission of offences punishable under Sections 194, 195, 199, 200, 307, 307-B, 120-B IPC and Section 25 of Arms Act) registered at Police Station Chhachrauli District Yamunanagar to Sub Divisional Judicial Magistrate (Bilaspur) (hereinafter referred to as 'Magistrate').

The bird eye view of the facts are that FIR was registered on the statement of Ankit Sharma (respondent No.2 in the petition) (hereinafter referred to as 'respondent No.2'). The allegations are with regard to incident which allegedly took place on 23.9.2020. As per the allegations, there was a fire arm injury inflicted to the complainant by the accused and a bag was

snatched. Accused including the petitioner were made to join investigation and their statements under Section 161 Cr.P.C. were recorded. During investigation, the accused including petitioner were found innocent. The final report was filed wherein the complainant was implicated for registering a false FIR on the basis of fabricated evidence. The trial was committed to the Court of Sessions. Vide impugned order, the Sessions Court considering that respondent No.2 was discharged under Sections 307 and 379-B IPC, remitted the matter back to Magistrate.

Learned counsel for the petitioner submits the trial Court erred in remanding the matter to the Sub Divisional Judicial Magistrate. Section 194 and 195 IPC are involved which are triable by the Sessions Court.

Mr. Abhilaksh Grover, Advocate appears for respondent No.2 and fairly submits that in view of invoking of Section 194 and 195 IPC, trial is to be conducted by Sessions Court.

Relevant portion of Schedule-I, Cr.P.C. is reproduced:

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
194	Giving or fabricating false evidence with intent to cause any person to be convicted to a capital offence. If innocent person be thereby convicted and executed.	Imprisonment for life, or rigorous imprisonment for 10 years and fine.	Non-cognizable	Non-Bailable	Court of Session.
		Death, or as above.	Non-cognizable	Non-bailable	Court of Session.
195	Giving or fabricating false evidence with intent to procure	The same as for the offence.	Non-cognizable	Non-bailable	Court of Session.

	conviction of an offence punishable with imprisonment for life or with imprisonment for 7 years or upwards.				
--	---	--	--	--	--

After hearing learned counsel for the parties at some length and perusing the relevant provisions and Schedule-I of Cr.P.C and further considering the undisputed facts that the charges have been framed under Section 194 and 195 IPC, apart from other Sections, the trial is to be conducted by Sessions Court, the impugned order is set aside.

Revision petition is allowed.

3rd November, 2021
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes
Whether reportable Yes